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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/666,447 | 09/19/2003 | Oscar Dale Larson | 8372/90620 | 8356 |

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EXAMINER

SLACK, NAKO N

ART UNIT PAPER NUMBER

3635

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,447

Applicant(s)

LARSON ET AL.

Examiner

Naoko Slack

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-82 and 84-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 74-79 is/are allowed.
- 6) ☒ Claim(s) 80-82 and 84-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

In view of Applicant's Amendment received July 26, 2004, new claim 86 and amendments to claims 80 and 81 have been entered. Claims 1-73 and 83 have been cancelled. Claims 74-79 are allowed as indicated in the previous Office Action. While claim 81 was indicated in the previous Office Action as being allowable if rewritten in independent form, claim 81 has been rejected in this Office Action in view of newly cited prior art. An examination of pending claims 74-82 and 84-86 is herein presented.

Claim Objections

Claim 84 is objected to for failing to further limit the claims from which it depends. Claim 84 states that "each edge has a predetermined width that exceeds one-half inch." This feature has already been defined in claim 80, lines 4-5, from which claim 84 depends. Therefore, claim 84 should either be cancelled, or its dependency changed from claim 80 to claim 81.

Claim Rejections – 35 USC 102

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 80-82, 84, and 86 are rejected under 35 USC 102(a) as being clearly anticipated by Southco website, March 2, 2000.

Claim 80:

Southco discloses a door and mortise lock combination, called 'Offshore' comprising a standard door body with a thickness of 11/16 inch to 1-1/2 inches (page 2, lines 2-3). Southco's 11/16 inch door thickness falls within claim 80's specifications of a door edge greater than 1/2 inch and less than 0.8 inch. Southco's 'Offshore' mortise lock requires a non-circular boring, an elongated rectangular boring with semi-circular ends (shown on page 1, bottom leftmost illustration). Southco's 'Offshore' has a lock width, and therefore a corresponding boring width, which is greater than fifty percent of the width of the door and whose ratio of height to width exceeds 1.8 (as best shown in the 'Offshore' illustration, page 1, bottom left).

Claim 81:

As stated for claim 80, Southco discloses a door and mortise lock combination, called 'Offshore' comprising a standard door body with a thickness of 11/16 inch to 1-1/2 inches (page 2, lines 2-3). Southco's 11/16 inch door thickness is less than 0.8 inch. Southco's 'Offshore' mortise lock requires a non-circular boring, an elongated rectangular boring with curved semi-circular ends (shown on page 1, bottom leftmost illustration). Southco's 'Offshore' also discloses a mortise lock width, and therefore a corresponding boring width, which is greater than fifty percent of the width of the door and whose ratio of height to width exceeds 1.8 (as best shown in the 'Offshore' illustration, page 1, bottom left).

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Claim 82:

The height to width ratio of the lock is clearly greater than two (as best shown in the 'Offshore' illustration, page 1, bottom left).

Claim 84:

Southco's 11/16 inch door thickness (page 2, line 3) exceeds one-half inch.

Claim 86:

Southco discloses a door and mortise lock combination, called 'Offshore' comprising a standard door body with a thickness of 11/16 inch to 1-1/2 inches (page 2, lines 2-3). Southco's 11/16 inch door thickness falls within claim 80's specifications of a door edge greater than 0.5 inch and less than 0.8 inch. Southco's 'Offshore' mortise lock requires a non-circular boring, an elongated rectangular boring with curved, semi-circular ends (shown on page 1, bottom leftmost illustration). Southco's 'Offshore' has a lock width, and therefore a corresponding boring width, which is greater than fifty percent of the width of the door and whose ratio of height to width exceeds 1.8 (as best shown in the 'Offshore' illustration, page 1, bottom left). While Southco does not specify a "storm door body", Southco states that the locks are applicable to a variety of swinging door applications (page 1, lines 1) and that all materials are marine grade for corrosion resistance (page 2, line 3).

Claim Rejections – 35 USC 103

The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 85 is rejected under 35 USC 103(a) as being unpatentable over Southco, March 2, 2000, in view of Larson, 1997.

Claim 85:

While Southco fails to disclose that the sides of the door body are covered by sheet material, clad storm doors are well known in the art for protection from the elements as well as enhancing the appearance of the door.

For example, Larson discloses solid wood doors that are vinyl clad. It would have been obvious for one of ordinary skill in the art at the time the invention was made to use clad doors with Southco's mortise door lock combination, for the stated benefits of protection and aesthetics, as Southco is concerned with satisfying durability and aesthetic preferences (page 2, lines 1-3).

Allowable Subject Matter

Claims 74-79 are allowed, as indicated in the previous Office Action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm

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EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl D. Friedman can be reached at (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



NS
August 7, 2004



Naoko Slack
Primary Examiner